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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,571	03/01/2004	Philip Corbin III	FLUX 2004-1	9864
47842	7590	04/04/2006	EXAMINER	
THE MILLER LAW OFFICES, PLC			LE, DANG D	
801 BRICKELL AVE			ART UNIT	
SUITE 900			PAPER NUMBER	
MIAMI, FL 33131			2834	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,571

Applicant(s)

CORBIN ET AL.

Examiner

Dang D. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13, 14, 16-26, 28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13, 14, 16-26, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-11, 13, 14, 16-26, 28, and 29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4, 6, 7, 16, 18, 19, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masaki et al. (JP 02-074146) in view of Lehde (2,807,734).

Regarding claim 1, Masaki et al. shows an apparatus for transferring torque magnetically comprising:

- A primary torque driving rotary member (2) and a secondary driven rotary member (5);
- The primary rotary member axially overlapping said secondary rotary member (Figure 4);
- The secondary rotary member being surrounded by said primary member (Figure 4);
- The primary rotary member, and not the secondary rotary member, having permanent magnets (6) mounted on it;

- The secondary rotary member (5) having electro-conductive elements (4) and magnetically permeable materials (3);
- Said secondary rotary member axially overlapped by said primary rotating member (Figure 4);
- Said primary rotating member being connected to and driven by a torque producing device (not shown) and said secondary routing member being connected to a torque utilizing device (not shown) whereby rotation of the primary rotary member causes rotation of said secondary rotating member by some or all (all flux utilized in Figure 4) of the magnetic flux lines emanating from said permanent magnets mounted on said primary rotating member cutting through the electro-conductive material on said secondary rotary member thereby generating torque and rotation in said secondary rotary member in relation to the percentage of the total area that said secondary rotary member is axially overlapped by said primary rotary member.

Masaki et al. does not show a means for varying said primary rotary member's axial position relative to said secondary rotating member being provided.

Lehde provides a means (21) for varying said primary (13) rotary member's axial position relative to said secondary rotating member for the purpose of changing the speed of the driven member (19).

Since Masaki et al. and Lehde are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a means for varying said primary rotary member's axial position relative to said secondary rotating member as taught by Lehde for the purpose discussed above.

Regarding claim 16, it is noted that Masaki et al. also provides the secondary rotary member with permanent magnets (6, Figures 1 and 3) and the primary member with electro-conductive elements (4) and magnetically permeable materials (3).

Regarding claims 3, 4, 6, 18, 19, and 21, it is noted that Lehde also shows the primary rotary member's magnets being supported by a cylinder made of a ferrous material (soft iron 13) and the primary rotary member's cylinder being constructed of built up thin pieces of ferrous material each electrically separated from one another by a suitable electrical insulating material (column 3, lines 1-10).

Regarding claims 7 and 22, it is noted that Lehde also shows the primary and secondary member being independently supported.

4. Claims 2, 10, 17, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masaki et al. in view of Lehde and further in view of Cramer (5,763,973).

Regarding claims 2, 10, 17, and 24, the machine of Masaki et al. modified by Lehde includes all of the limitations of the claimed invention except for the use of neodymium boron iron magnet.

Cramer shows the use of neodymium boron iron magnet for the purpose of increasing magnetic flux.

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Since Masaki et al., Lehde, and Cramer are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use neodymium boron iron magnet as taught by Cramer for the purpose discussed above.

5. Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masaki et al. in view of Lehde and further in view of Fields et al. (6,041,571).

Regarding claims 5 and 20, the machine of Masaki et al. modified by Lehde includes all of the limitations of the claimed invention except for the use of aluminum.

Fields et al. shows the use of aluminum (41) for the purpose of reducing corrosion.

Since Masaki et al., Lehde, and Fields et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use aluminum as taught by Fields et al. for the purpose discussed above.

6. Claims 8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masaki et al. in view of Lehde and further in view of De Lancey (2,230,717).

Regarding claims 8 and 23, the machine of Masaki et al. modified by Lehde includes all of the limitations of the claimed invention except for the use of automatic device.

De Lancey shows the use of automatic device (34) for the purpose of automatically control the speed of the driven member.

Since Masaki et al., Lehde, and De Lancey are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use automatic device as taught by De Lancey for the purpose discussed above.

7. Claims 9, 13, 14, 26, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masaki et al. in view of Lehde and further in view of Jacobs (3,113,229).

Regarding claims 9 and 26, the machine of Masaki et al. modified by Lehde includes all of the limitations of the claimed invention except for the use of copper.

Jacobs shows the use of copper (18) for the purpose of reducing corrosion.

Since Masaki et al., Lehde, and Jacobs are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use copper as taught by Jacobs for the purpose discussed above.

Regarding claims 13, 14, 28, and 29, it is noted that Jacobs also shows the electro-conductive material being configured as a circumferential ladder geometry with a plurality of electrically independent segmented arcs (Figures 3 and 4).

8. Claims 11 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masaki et al. in view of Lehde and further in view of Rounds (6,084,322).

Regarding claims 11 and 25, the machine of Masaki et al. modified by Lehde includes all of the limitations of the claimed invention except for the use of alnico, iron and ceramic materials.

Rounds shows the use of alnico, iron and ceramic materials for the purpose of increasing magnetic flux.

Since Masaki et al., Lehde, and Rounds are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use alnico, iron and ceramic materials as taught by Rounds for the purpose discussed above.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Information on How to Contact USPTO

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D. Le whose telephone number is (571) 272-2027. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3/31/06

A handwritten signature in black ink, appearing to read "Dong L. L.", is positioned above the printed name.

**DANGLE
PRIMARY EXAMINER**